REMARKS

This response is in reply to the non-final Office Action ("Office Action") mailed October 12, 2010.

Claims 1-11 are rejected in the Office Action under 35 U.S.C. § 102(e) as being anticipated by U.S. Patent Application Publication No. 2004/0095463 to Yabuta.

Claims 1-3, 5, 6 and 8-10 have been amended to remove some informalities in these claims. No new matter has been added. Claims 4, 7 and 11 have been canceled. Therefore, claims 1-3, 5, 6 and 8-10 are pending in the present application.

Applicants respectfully assert that the present application is in condition for allowance. The reasons why Applicants believe the present application is in condition for allowance are discussed in detail below.

IDS Filed November 2, 2009

Applicants submitted an IDS on November 2, 2009. The Office Action does not include an initialed copy of the November 2, 2009, IDS. The Examiner is requested to confirm consideration of the November 2, 2009, IDS by including an initialed copy of that IDS in the next communication.

Examiner Interview

Applicants wish to thank the Examiner, Karen Le, for conducting a telephonic interview with Applicants' representatives, Jeffrey Sakoi and Takuya Tanaka, on November 22, 2010.

During the interview, proposed amendments to claims 1-3, 5, 6 and 8-10 were presented and Applicants' representatives discussed arguments to overcome the rejection based on prior art reference Yabuta.

In the interview summary, the Examiner agreed with Applicants' representatives that Yabuta fails to teach "a watching condition determining unit configured to determine a watching condition of content being reproduced" as recited in amended claim 1.

Applicants are submitting this after-non-final amendment as requested by the Examiner in the interview summary.

Claim Rejections – 35 U.S.C. § 102(e)

Claims 1-11 rejected under 35 U.S.C. § 102(e) as allegedly being anticipated by Yabuta.

To show that a claim is anticipated under 35 U.S.C. § 102(e), each and every element as set forth in the claim must be found, either expressly or inherently, in a single prior art reference. *Verdegaal Bros., Inc. v. Union Oil Company of California*, 814 F.2d 628, 631 (Fed. Cir. 1987). Applicants assert that the cited and applied reference does not anticipate amended claims 1-3, 5, 6 and 8-10 as alleged in the Office Action because each and every element set forth in the claims is not described or suggested by the cited and applied reference.

Clarifying amendments have been made to claim 1. As amended, claim 1 recites "a watching condition determining unit configured to determine a watching condition of content being reproduced" and "a control unit configured to control the reproduction of the content and the processing of the incoming call based on the watching condition when the incoming call processing unit receives the incoming call during the reproduction of content."

In the Office Action, it is asserted that Yabuta describes that a position information registration unit 313 and a broadcasting station registration unit 314 grasp a watching condition of content being reproduced and that a control unit 308 carries out the reproduction of the content and a processing of an incoming call in an incoming call processing mode corresponding to the watching condition. See Office Action, page 2.

Yabuta discloses that the position information registration unit 313 stores position information transmitted from the portable telephone base station and the broadcasting station registration unit 314 has a correspondence table having a correspondence between a number of a one-touch key in a one-touch key entry unit 382 and names of broadcasting stations registered therein. Yabuta also discloses that the control unit 308 controls the above-mentioned units.

Despite this purported description, nowhere does Yabuta describe "a watching condition determining unit configured to determine a watching condition of content being

reproduced" and "a control unit configured to control the reproduction of the content and the processing of the incoming call based on the watching condition when the incoming call processing unit receives the incoming call during the reproduction of content" as recited in amended claim 1.

It is clear from the foregoing that Yabuta fails to describe every element recited in amended claim 1. Thus, Applicants respectfully request withdrawal of the 35 U.S.C. § 102(e) rejection of claim 1.

Claims 2, 3, 5, 6 and 8-10 depend from claim 1, and thus, each and every element recited in amended claim 1 is also found in the respective dependent claims 2, 3, 5, 6 and 8-10. As such, for at least the reasons discussed above with respect to claim 1, Yabuta also fails to describe each and every element of claims 2, 3, 5, 6 and 8-10. Therefore, Applicants respectfully request withdrawal of the 35 U.S.C. § 102(e) rejections of claims 2, 3, 5, 6 and 8-10.

CONCLUSION

In light of the foregoing amendments and remarks, Applicants respectfully request favorable action and the allowance of all pending claims. If any further questions remain, the Examiner is invited to telephone Applicants' attorney at the number listed below.

Respectfully submitted,

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